

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Anna J. Wildeman
Deputy Assistant Administrator

 10/12/12

TO: David P. Ross
Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. During my onboarding with the agency, I met with OGC/Ethics and provided information about my title, expected duties, and about personal relationships, including my significant other who is an environmental attorney and an equity sharing partner at a law firm. I specifically requested advice concerning my ethics obligations in handling meetings or issues related to my significant other or his law firm. At that time, OGC/Ethics concluded that a recusal memorandum was not necessary, and provided me with written advice via email. OGC/Ethics advised that I should be recused from any specific party matter for which my significant other represents a party, and that I should consult with OGC/Ethics on a case-by-case basis for impartiality concerns that may arise for specific party matters for which my significant other's law firm represents a party. I have performed my duties consistent with this advice.

This memorandum memorializes OGC/Ethics' advice and formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general

partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Because I am in an Administratively Determined position, I have been advised by OGC/Ethics that I am not considered an appointee for purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge. But as an executive branch employee, I understand that I am subject to the federal impartiality standards and have a “covered relationship” with my former employer, which is a state government. However, on June 7, 2018, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Wisconsin, but not on the very same specific party matters I worked on personally and substantially while employed with the Wisconsin Department of Justice.

Pursuant to the federal impartiality standards, I also understand that I have a “covered relationship” with any person who is a member of my household. My significant other, (b) (6), is an equity sharing partner at a law firm with an environmental practice. I will not participate in any matter in which (b) (6) is a party or represents a party. I am therefore recusing myself from participation in all matters related to the **Wysocki Family of Companies**, the **Central Sands Dairy** and the **Armenia Growers Coalition**. For any specific party matter in which (b) (6) law firm is a party or represents a party, I will first consult with OGC/Ethics for an impartiality determination pursuant to 5 C.F.R. § 2635.502(d).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for an I obtain informed consent and notify OGC/Ethics. I am therefore recusing myself from participation in all matters related to **water quality or permitting** for the **Wysocki Family of Companies** and the **Central Sands Dairy**.

SCREENING ARRANGEMENT

To ensure that I do not participate in any matters listed above, I will instruct Lee Forsgren, Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the matters on my recusal list should be directed to Mr. Forsgren without my knowledge or involvement.

If Mr. Forsgren determines that any of the matters listed on my recusal list is involved, then he will refer it for action or assignment to another, without my knowledge or involvement.

In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: D. Lee Forsgren, Jr., Deputy Assistant Administrator
Benita Best-Wong, Acting Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics